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811-2024

Report

Accept bid of \$1,793,810 from Cedar Mill Construction Company, LLC for the Thompson Elk Fountain Restoration Project (Procurement Report - Bid 00002359)

Accepted

TO THE COUNCIL:

On December 13, 2023, Council approved Ordinance Number 191551 for Procurement Services to competitively solicit the Thompson Elk Fountain Restoration Project in accordance with PCC 5.34. The Chief Procurement Officer has advertised and received bids for Bid Number 00002359 on behalf of Portland Water Bureau (PWB), with a project construction estimate of \$1,500,000. PWB rated the project estimate confidence level as Medium.

Bids were opened on July 18, 2024, and two (2) bids were received. The lowest responsive bid is from Cedar Mill Construction Company, LLC, thus it is recommended that their bid be accepted at the estimated lump sum quoted including the accepted alternates for a total bid amount of \$1,793,810, which is 19.59% over the engineer’s estimate.

The City’s equity in contracting aspirational goal of 20% of the hard construction costs for subcontractor and supplier utilization of firms certified by the State’s Certification Office for Business Inclusion and Diversity (COBID) applies to this project. **Cedar Mill Construction Company, LLC has committed to subcontract 5.96% to COBID Certified firms as follows:**

Contractor	Certification	Area of Work	Ownership	Amount
A2 Metals, LLC DBA A2 Fabrication	ESB	Metal Fabrication	Caucasian/ Male	\$6,800
Diverse Works, Inc.	DWBE	Painting	Caucasian /Female	\$5,059

Introduced by

[Mayor Ted Wheeler;](#)
[Commissioner Dan Ryan](#)

City department

[Procurement and Business Opportunities](#)

Contact

Kathleen Brenes-Morua
Design & Construction,
Manager II

✉ Kathleen.Brenes-Morua@portlandoregon.gov

📞 [503-865-6156](tel:503-865-6156)

Requested Agenda Type

Regular

Date and Time Information

Requested Council Date
September 18, 2024
Time Requested
20 minutes

Contractor	Certification	Area of Work	Ownership	Amount
Epling Electric, LLC	ESB	Electrical	Caucasian /Female	\$21,481
Kodiak Pacific Construction Co.	WBE	Paving	Hispanic/ Female	\$35,500
Nuwave Concrete, Inc.	ESB	Concrete	Caucasian/ Male	\$38,277
Total				\$107,117

Cedar Mill Construction Company, LLC acting as the prime contractor intends to self-perform **41.37%** of the work and to subcontract **52.67%** to a non-certified firm as follows:

Subcontractor	Area of Work	Amount
A-Absolute Comfort Heating & Cooling, Inc.	Plumbing	\$67,418
Pioneer Waterproofing Company, Inc.	Waterproofing	\$768,784
The Anderson Group, Inc. DBA Anderson Poolworks	Fountain Contractor	\$110,000
Total		\$946,202

Cedar Mill Construction Company, LLC is located in Tualatin, Oregon is not a State COBID Certified Contractor and is a Caucasian/Male owned firm. They have a current City of Portland Business Tax Registration and are in full compliance with all of the City’s contracting requirements.

Funding of \$2,200,000 for the Project was secured as of July 2023: the General Fund provided \$1,500,000 in fiscal year (FY) 2023-24, and \$700,000 is available from the insurance claim on the fountain.

It is recommended that a Performance Bond and Payment Bond each at 100% of the contract amount be furnished by the Contractor. Further, it is also recommended that a two(2) year Maintenance/Warranty Bond for 20% of the final contract amount be furnished by the Contractor before final payment is released.

The bid sureties of the remaining bidders should be returned immediately in compliance with Section 5.34.410D of the City Code.

Procurement Services recommends that Council accept this Report and authorize the Chief Procurement Officer to execute the contract with Cedar Mill Construction Company, LLC.

Recommended by:

Kathleen Brenes-Morua

Interim Chief Procurement Officer

KBM: rab

Impact Statement

Purpose of Proposed Legislation and Background Information

Authorize the Chief Procurement Officer to execute a construction contract for Thompson Elk Fountain Restoration Project to Cedar Mill Construction Company, LLC. The construction cost based on bids received is \$1,793,810.

The Thompson Elk Fountain (Elk Fountain), a historical monument, fountain, and bronze sculpture, was damaged in July 2020 and subsequently removed from its original location on SW Main Street between 3rd and 4th Avenues.

In May 2022, Council directed bureaus to take necessary steps to restore and return the Elk Fountain to its original condition and location (Resolution No. 37576).

Through the Thompson Elk Fountain Restoration Project (Project), the City will restore the stone carving and masonry, reinstall the elk sculpture, install a recirculating water fountain system and construct the facility in accordance with all applicable codes and standards.

Ordinances 191551 was approved by City Council on December 13, 2023, authorizing the Chief Procurement Officer to issue a competitive solicitation for the project known as Thompson Elk Fountain Restoration Project on behalf of PWB.

No revenues will be impacted by this legislation.

This legislation does not change existing City policy.

Financial and Budgetary Impacts

The engineer's estimate for this project was \$1,500,000 and the confidence level was Medium. Based on bids received, PWB anticipates the construction contract cost to be \$1,793,810, which is 19.59% over the engineer's estimate.

Funding of \$2,200,000 for the Project was secured as of July 2023: the General Fund provided \$1,500,000 in fiscal year (FY) 2023-24, and \$700,000 is available from the insurance claim on the fountain.

No present positions will be created, eliminated, or re-classified as a result of this legislation.

Community Impacts and Community Involvement

The construction contracting community, including contractors certified with the State of Oregon as minority, women, and emerging small businesses became involved when the Chief Procurement Officer advertised and publicly noticed the project on the City's Online Procurement System on May 23, 2024, including a public notice posted in the Daily Journal of Commerce on May 24, 2024. Additionally, contractors who expressed interest in the project early on were notified by email of the publication to the City's Procurement System.

Potential bidders were able to review the competitive solicitation, ask questions, provide comments, and submit a bid in response to the Invitation to Bid (ITB). Bids received resulted in the award of the construction contract. Procurement Services managed the procurement process.

The City's equity in contracting aspirational goal of 20% of the hard construction costs for subcontractor and supplier utilization of firms certified by the State's Certification Office for Business Inclusion and Diversity (COBID) applies to this project. **Cedar Mill Construction Company, LLC has committed to subcontract 5.96% to COBID Certified firms as follows:**

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No known persons or groups will be testifying.

No future public involvement is anticipated or necessary for this request.

100% Renewable Goal

This action neither increases nor decreases the City's total energy use.

This action neither increases nor decreases the City's renewable energy use.

Financial and Budget Analysis

This action accepts bid of \$1,793,810 for restoration of the Thompson Elk Fountain. Funding of \$1,950,000 is included in the Portland Water Bureau FY 2024-25 Adopted budget. No additional appropriations are required as a result of this action.

Document History

Item 811 Regular Agenda in [September 18-19, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/9/18) (<https://www.portland.gov/council/agenda/2024/9/18>)

City Council

Accepted - Prepare Contract

Motion to accept the report: Moved by Gonzalez and seconded by Ryan.

Aye (5):

Rene Gonzalez, Mingus Mapps, Carmen Rubio, Dan Ryan, Ted Wheeler